

FORM A To be used by a prisoner filing a complaint under the Civil Rights Act, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES MICHAEL RECCA,

(Enter above the full name of the plaintiff or plaintiffs in this action.)

v.

COMPLAINT

OMAHA POLICE DEPARTMENT; Officers:

PIGNOTTI (K-9 officer); JOSEPH RICHTER;

ERIK P. FOREHEAD; HEIDI L. ALTIC;

MICHAEL OLIVER; HANSEN, NASS (first name

unknown); ACTUAL K-9 DOG; ALL OTHER UNKNOWN Jane and John Dee(s),
(Enter above the full name of the defendant or defendants in this action, if known.)

(Note: If there is more than one plaintiff, a separate sheet should be attached giving the information in Parts I, II, and III for each plaintiff, by name. Remember, all plaintiffs must sign the complaint.)

I. A. Place of Present Confinement Nebraska State Prison (NSP)

B. Parties to this civil action:

Please give your commitment name and any other name(s) you have used while incarcerated.

8:18CV556
FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2018 NOV 29 PM 12:36
OFFICE OF THE CLERK

RECEIVED

NOV 29 2018

CLERK
U.S. DISTRICT COURT

(1) Plaintiff JAMES M. RECCA Registr. No. 85879
 Address P.O. Box 22500
Lincoln, NE 68542-2500
 Additional plaintiff's Registr. No. and address:
N/A

(2) Defendant Omaha Police Department (Any and All its affiliates and K-9 Director)
 is employed as Police officers at Omaha Police Dept
 Additional defendant's employment: K-9 officer (Pignotti)
Dog handler and k-9 dog, and all officers
named in the Jurisdiction section A. labeled officials:

II. Previous Civil Actions

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action? An initial first notice via Tort Claim.
 Yes ☒ No ☒

- (1) Title: James M. Recca v. State of Nebraska
 (Plaintiff) (v.) (Defendant)
- (2) Date filed April 11, 2017
- (3) Court where filed State Claim Board (under Tort Claim Law)
 (specify if the court was state or federal and the level of the court)
- (4) Court number and citation Resolution #246
- (5) Name of judge to whom the case was assigned State Claim Board
- (6) Basic claim made The same action given rise to the claims raised herein now; i.e., excessive force, police brutality, civil rights violations, malfeasance.
- (7) Date of disposition April 11, 2017
- (8) Disposition decision in conclusive finding -
 (pending) (on appeal) (resolved)
- (9) If decided by the court, state whether for plaintiff or defendant defendants
- (10) Approximate date of filing April 11, 2017

(11) Approximate date of judgment October 30, 2017

For additional cases, provide the above information in the same format on a separate page.

B. Have you begun other cases in state or federal courts relating to the conditions of your treatment while in confinement? Yes ☐ No ☒

III. Grievance Procedure

A. Does your institution have an administrative or grievance procedure? Yes ☒ No ☐

B. Did you present the facts relating to your complaint through the administrative or grievance procedure? Yes ☒ No ☐

C. What was the result? Douglas Board of Comissions met and referred ^{Tort} claim to risk Management Resolution No: 246
Adopted: April 11, 2017

D. If you did not file a grievance, state the reasons

*DO NOT APPLY - ACTION COMMITTED OUTSIDE JAILED INSTITUTION

E. Please attach any responses as exhibits to this complaint. (Attached Exhibits)

F. If there is not prisoner grievance procedure at your institution, did you complain to prison authorities? Yes ☐ No ☐

*DO NOT APPLY - Action taken outside ^{or committed} jailed institution

G. If your answer to F is yes,

A. What steps did you take and what was the result? N/A

IV. Jurisdiction

A. Is this complaint brought for a violation of your federal constitutional rights by a person employed by the state, county, or municipal government or acting with such government officials? Yes ☒ No ☐

If "yes," please state the agency the official(s) is/are employed by or why you believe the defendant(s) was/were acting in conjunction with government

officials: Omaha Police Dept. k-9 officer "Pignotti"
ofc: Joseph Richter (2019), ofc: Erik P. Forehead (1556)
ofc: Heidi L. Altie (1792), ofc: Michael Oliver (2040)
ofc: Hansen (2043), ofc: NASS (1886); All other unknown Jane or John Doe
Actual k-9 dog " " I reserve the right to name
any unknown persons or animals/officers later
that are unknown to me at this time

- B. Is this complaint brought for a violation of state or local law? Yes X No

If so, please specify (without alleging any supporting facts) the state law(s) you believe was/were violated

Police Brutality, Excessive Force, Malfeasance, Misconduct under color of office

Is/are the defendant(s) residents of the same state as you? Yes X No

If not, specify what state

V. Statement of Claim:

(State here as briefly as possible the **FACTS** of your case. You must state exactly what each defendant personally did, or failed to do, that resulted in harm to you, and describe the harm. Include the names of other persons involved (for example, other inmates), dates, and places of all events. If you allege related claims, number and set forth each claim in a separate paragraph. Attach an extra sheet, if necessary. Unrelated claims should be raised in a separate civil action. Do not give legal arguments or cite cases or statutes except in Part B below.

- A. On or about November 3, 2015, plaintiff Recca was amongst and with 2 other individuals situated at the Carol Hotel, addressed: 4888 South 118 street, in Omaha, Douglas County, Nebraska, whereupon, an investigation involving a stolen vehicle convened by officials of the Omaha Police Department. Plaintiff, and 2 other (unnamed) individuals became targets of this investigation inasmuch

that they were alleged to have been observed, in same area, and then seen running away from the area. Several Omaha police officers took pursuit after them. They are namely, Joseph Richter, Nass, and Hansen, under advisement from police officer Michael Oliver (hereinafter "defendants" in-concert). Sometime later, other OPD law enforcement officers, like defendant Pignotti (K-9 officer) and the canine (K-9), under his command, joined the aforementioned other OPD officers in the same pursuit. Plaintiff, seemingly, was ambushed, located, and recklessly bitten by the canine (K-9)/dog (aka police K-9 dog) under the pursuing aforementioned OPD officers/defendants commands and directions. (SEE Generally Exhibit 1 attached herewith). Plaintiff was brutally and viciously attacked by this unnamed (name presently unknown) police K-9 dog, and thereby suffered serious inflictions, bodily harm, injuries, and damages of irreparable subjugations. (SEE Generally Exhibits 6 through ²³~~20~~ attached herewith). Emergency treatment was administered unto/upon plaintiff at Bergan Medical Center:CHI Health. Thereafter, plaintiff was arrested and booked into Douglas County jail. Plaintiff was onerously subjected by the defendants during the atrocious apprehension involving the K-9 dog bite injury(s), and while in shock and excruciating pain, further

wanton and arbitrary infliction ensued during booking-inception, by defendants Erik P. Forehead and Heidi L. Altic (OPD officials). Based upon the foregoing traumatic subjugations plaintiff suffered, and was compelled to recklessly accept, by the capricious and arbitrary hands of all-named defendants, plaintiff still suffers; is tormented by endless nightmares even now; has dog (K-9) phobia to the extent he cannot tolerate any company or presence within mere feet of canines/dogs; and endures in sporadic pain to all his limbs injured by the K-9/dog bites he was subjugated on November 3, 2015. All defendants named, inclusive of the entity-county officials, Omaha Police Department, and its progeny, and any and all unknown Jane and John Doe, who acted in concert and in cohorts, are responsible and culpable for the deprivations of plaintiff's civil rights above described.

B. State briefly your legal theory or cite appropriate authority: The brutal subjugations inflicted by virtue of K-9 dog bites, causing serious bodily harm and injury of irreparable nature, at the command and authoritative directions of all named and unnamed law enforcement officials of the Omaha police department and its progeny(s), exuded unnecessary wanton affliction, pain, and suffering upon plaintiff, in violation of his 5th and 8th Amendment Rights of the United States Constitution. Additionally, plaintiff's civil rights were violated and the defendant's prejudicial voluntary acts "shocked the conscience" and caused irreparable injury upon unto plaintiff, to the point of no return.

VI. Relief

A. Do you request money damages? Yes X No

If so,

1. Did you lose any money from this incident?

Yes X No If so, how much? \$15,000⁰² approximately

2. Did you receive a physical injury? Yes X No

3. What other harm did you experience from this incident? Unable to walk for 2 months, Unable to fully use my

right arm due dog bite injury to my shoulder for 6 months, Excessive pain and ringing in my left ear and temporally loss of hearing in left ear due to police K-9 biting my ear half way off. I still experience ringing and pain in my left ear due to surgery on my left ear to stitch ear back on to my head and reshape my left ear one ear is visibly higher than the other one is now. -1-

Mental Anguish, Emotional Distress; "shocked my conscience"

4. State the amount of damages claimed \$1,000,000⁰⁰

B. Do you request a jury trial? Yes X No

C. State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Grant and sustain relief, via an Order, adjudicating that the defendants acted "deliberately indifferent", unlawfully, but voluntarily, recklessly, and intentionally, violated plaintiff's civil rights, guaranteed by the 5th and 8th Amendments of the United States Constitution; and said named defendants, and its affiliates are immensely responsible and culpable for plaintiff's aforementioned subjugations, and award monetary damages, punitive, compensatory, etc, amounting to \$1,000,000⁰⁰.

VII. Request for Appointment of Counsel

A. Do you want an attorney to represent you in presenting your claim to the court? Yes X No

B. Did someone help you in preparing this complaint? Yes X No If so, state the person's name (optional)

Paralegal Assistant in (NSP) Nebraska State Prison

C. Have you made any efforts to contact a private lawyer to determine if he or she would represent you in this action? Yes X No

If so, state the name(s) and address(es) of each lawyer contacted Law Offices of White & Jorgensen

3114 St. Marys Avenue

Omaha, NE 68105

If not, state your reasons

N/A

(Note: This court has no funds with which to pay an attorney for handling this type of case. Because of this, appointments are made only in cases where an attorney is greatly needed and the

attorney is willing to take the case without expecting to receive any fee.)

I declare under penalty of perjury that the forgoing is true and correct.

Signed this 26 day of November, 2018.

JAMES M. RECCA #85879

P.O. Box 22500

Lincoln NE 68542

J. Recca #85879
(Signature(s) of Plaintiff(s))

NOTE: This report may stand alone for Crime Against Society and is used for all booking arrests. Crimes Against Society need not be listed on an Incident Report

OMAHA POLICE DEPARTMENT BOOKING ARREST REPORT

RB# AH32053

☒ FELONY ☐ MISDEMEANOR ☐ WARRANT ONLY

OCCURRED					REPORTED				
Location Occurred S 118TH ST / MST OMAHA, DOUGLAS COUNTY					Location Reported OMAHA, DOUGLAS COUNTY				
District # 83					District # 83				
Day of Week	Month (MM)	Day (DD)	Year (YY)	Hour:Minute	Day of Week	Month (MM)	Day (DD)	Year (YY)	Hour:Minute
TUESDAY	11	03	15	01:28					
TUESDAY	11	03	15	01:28					
ARRESTED					ARRESTED				
Day of Week TUESDAY					Day of Week TUESDAY				
Month (MM) 11					Month (MM) 11				
Day (DD) 03					Day (DD) 03				
Year (YY) 15					Year (YY) 15				
Hour:Minute 07:17					Hour:Minute 07:17				
Location S 118TH ST / MST OMAHA, DOUGLAS COUNTY					Location S 118TH ST / MST OMAHA, DOUGLAS COUNTY				
District 83					District 83				
OFFENDER NAME <input checked="" type="checkbox"/> ID Verified RECCA, JAMES M					DOB (MM/DD/YY) 10/02/78				
AGE 37					Data # - Data Center Use Only				
ALIAS					ALIAS DOB				
NICKNAME/MONIKER									
ADDRESS 98 QST					CITY OMAHA				
STATE NE					ZIP 68127				
DRIVERS LICENSE#/STATE					SOCIAL SECURITY #				
RESIDENCE PHONE					OTHER PHONE (402) 670-9462				
RACE [F]	SEX [G]	HEIGHT	WEIGHT	HAIR	EYES	SCARS-MARKS-TATTOOS			
W	M	5' 8"	230	BRC	BRO				
OTHER DESCRIPTION									
BIRTH CITY					BIRTH STATE OR COUNTRY USA				
<input checked="" type="checkbox"/> INTERPRETER NEEDED					LANGUAGE:				
PHYSICAL CONDITION: INJURED									
MENTAL CONDITION: NORMAL									
SCHOOL or BUSINESS NAME & ADDRESS									
EMERGENCY CONTACT NAME					EMERGENCY CONTACT RELATION				
EMERGENCY CONTACT PHONE									
<input checked="" type="checkbox"/> DV RELATED					<input checked="" type="checkbox"/> US CITIZEN				
METHOD OF IDENTIFICATION CIB					KNOWN KEEP SEPERATES				
PLATE# / STATE / YEAR					VIN				
COLOR					YEAR				
MAKE					MODEL				
STYLE					OTHER				
CHARGE 1 OBSTRUCT LAW ENF OFC OR FIREFIGHTER					WARRANT # 2500				
STATUTE/ORDINANCE 20-21					Conversion Code 24244				
RB# if different									
CHARGE 2 WARRANT					WARRANT # 03571112MC				
STATUTE/ORDINANCE					Conversion Code				
RB# if different									
CHARGE 3 WARRANT					WARRANT # 03585133				
STATUTE/ORDINANCE					Conversion Code				
RB# if different									
BOOKING #					<input checked="" type="checkbox"/> SCHOOL ZONE <input checked="" type="checkbox"/> CONSTRUCTION ZONE				
WEAPON CODE (E)									
ON SCENE <input checked="" type="checkbox"/> CIB <input checked="" type="checkbox"/> CRIME LAB ADVISED OFFICER/SER# OLIVER, MICHAEL [2040]					ON SCENE INVESTIGATOR/SER# OLIVER, MICHAEL [2040]				
REF RB#									
Other Reports									
NARRATIVE: (PC and Elements to the Charged Crimes. Details on a Supplementary Report) Narrative not required if already covered in an Incident Report for Crime Against Person.									
<p>ON TUE 03NOV15 AT 0128 HRS. R/O'S NASS 1886 AND RICHTER 2019 RESPONDED TO THE CAROL HOTEL AT 4888 S. 118 ST. TO ASSIST OFFICER HANSEN 2043 WITH A RECOVERED STOLEN AUTO. UPON ARRIVAL R/O'S OBSERVED A BLACK DODGE 4 DOOR CAR THAT WAS REPORTED STOLEN AND HAD BEEN INVOLVED IN A FELONY ASSAULT THAT OFFICER NASS WAS INVESTIGATING. R/O'S COULD SEE A BOX OF AMMUNITION IN THE CENTER CONSOLE OF THE VEHICLE AND THERE WAS A SPENT SHELL CASING ON THE REAR OF THE VEHICLE BETWEEN THE BACK WINDOW AND THE TRUNK. CIB WAS CONTACTED AND THE VEHICLE WAS LATER TOWED. WHILE ON SCENE OFFICER HANSEN OBSERVED PARTIES WATCHING OFFICERS WHO THEN DISAPPEARED WHEN R/O'S LOOKED AT THEM. R/O RICHTER THEN OBSERVED THREE SUSPECTS WALKING AWAY E/B ON 118 AND M ST. R/O'S RICHTER AND NASS OBSERVED THREE SUSPECTS EAST OF 118 AND M ST WHO ALL RAN WHEN THEY SAW OFFICERS. R/O HAD THE CRUISER WINDOWS DOWN AND YELLED LOUDLY OUT THE WINDOW OF THE MARKED CRUISER, STOP! POLICE! ONE SUSPECT RAN E/B AND ONE MALE AND ONE FEMALE RAN S/ W INTO A WOODED AREA WITH A CREEK. OFFICERS LOST SIGHT OF THEM IN THE WOODS AND CALLED FOR MORE CARS TO RESPOND AND SET UP A PERIMETER AND CALLED FOR A K-9 OFFICER TO RESPOND.</p>									

Exhibit # 1

RB#
AH32053

NARRATIVE: (PC and Elements to the Charged Crimes. Details on a Supplementary Report)
 Narrative not required if already covered in an Incident Report for Crime Against Person.

K-9 OFFICER PIGNOTTI RESPONDED AND FORMED A SEARCH TEAM WITH OFFICERS. THE SEARCH TEAM BEGAN SWEEPING THE CREEK AREA AND THE DOG LOCATED AND BIT A MALE SUSPECT HIDING IN THE WOODS. OFFICERS ASSISTED WITH THE K-9 APPREHENSION AND BROUGHT THE SUSPECT OUT OF THE WOODS. HE WAS ID'D AS RECCA, JAMES AND A DATA CHECK SHOWED HE HAD TWO MISD WARRANTS OUT OF DOUGLAS COUNTY. AN AMBULANCE WAS CALLED FOR THE DOG BITE AND RECCA WAS TAKEN TO BERGAN ER AND TREATED AND RELEASED. HE WAS THEN TAKEN TO OPD HQ FOR IN INTERVIEW WITH CIB REGARDING THE STOLEN AUTO, BUT HE DECLINED TO SPEAK WITH INVESTIGATORS. WAS WAS TRANSPORTED TO DOUGLAS COUNTY JAIL AND BOOKED FOR OBSTRUCTING POLICE, AND HIS TWO WARRANTS. OTHER OFFICERS LOCATED A SMALL BAGGY CONTAINING METH NEAR WHERE THE THREE SUSPECTS WERE INITIALLY SEEN. RECCA DECLINED TO SPEAK BEFORE HE COULD BE ASKED ABOUT THE DRUGS, AND THE OTHER TWO SUSPECTS ARE STILL OUTSTANDING. THE DRUGS WERE BOOKED INTO PROPERTY AT OPD HQ.

CONDITIONS			
Road Surface	Visibility	Other Traffic Present	
Roadway	Highway Type	Traffic Flow	Accident Caused NONE

COMMAND AUTHORIZING BOOKING FOREHEAD, ERIK	SERIAL # 1556	TRANSPORTED BY RICHTER, JOSEPH	SERIAL # 2019
SEARCHED BY RICHTER, JOSEPH	SERIAL # 2019	ASSISTING OFFICER	
REPORTING OFFICER RICHTER, JOSEPH	SERIAL # 2019	APPROVED BY	SERIAL #

Booking
 OPD Form 277

PAGE 2 OF 2

Report FP003701

11-03-15 09:01 10- City Prosecutor FROM- DCDC ADMIN P000470017 T-896 F-846

RECORD OF ARREST

INTERPRETER * MISD PROSECUTOR * PAGE: 1 OF 1

ARRESTING AGENCY ARREST NO OPD NO DCS NO REPORT NO
OMAHA POLICE DEPARTMENT K1096381 H32053 BP

ARRESTEE NAME RAC SEX D.O.B. HGHT WGHT HAIR EYES COMP DATANO
RECCA JAMES M H M 10/02/78 5 08 200 BRO BRO 3140728

ARRESTEE ADDRESS CITY STAT ZIP HOME PHONE BIRTH CITY STATE
4626 S 46 ST OMAHA NE 68117 4026709462 WEST ISLIP NY

EMPLOYED BY EMPLOYER ADDRESS BUS PHONE WORK HOURS

ALIAS/MAIDEN NAME MAR. STAT SOC. SEC. DRIVER LICENSE STAT TYP OF LIC
127680911 H13376995 NE

MARKS, SCARS, TATTOS: TATTOOS

IF SICK, INJURED, INTOXICATED DESCRIBE TO WHAT DEGREE MEDICATION
A FEW DOG BITES

NEXT OF KIN ADDRESS PHONE

LOCATION OF ARREST DIST CITY STAT DAY DATE ARSTD TIME SPECIMEN
118 M ST 83 OMAHA NB TUE 11/03/15 0128

ARRESTING OFFICER 1	SER NO	ARRESTING OFF 2	SER NO
RICHTER JOSEPH	2019	RICHTER, JOSEPH M	
COMMAND AUTHORIZATION	SER NO	TRANSPORTING OFFICER	SER NO
FOREHEAD, ERIK P	1556	RICHTER, JOSEPH M	2019
BOOKED BY	SER NO	SEARCHED BY	SER NO
ALTIC, HEIDI L	Y792	RICHTER, JOSEPH M	2019

DATE BOOKED	TIME	ARRESTED WITH	D.O.B.	RIGHT INDEX FINGER
11/03/15	0740			3
REMARKS				3
PARTY BOOKED ON NEW CHARGE OF OBST LAW ENFORCE + WI 03571112				3
15-12664				3
				3
				3
				3

CONV	REPORT	STATUTE	BOND	COURT
CODE	NUMBER	ORDINANCE NO.	CLA	DESCRIPTION
24244	H32053	20-21	M	OBSTRUCT LAW ENF OFC OR FIR
			AMOUNT	TP DATE TIME
			2500 E	112415 1330

BOND SET BY	DATE	TIME	TOTAL BOND	COURT
			7500	CNTY

Exhibit # 2

LPFIC46X

PERSON PROFILE

PAGE 0001
65R307C07Q43

DATA# 3140728

NAME RECCA, JAMES M.

DOB 10/02/1978 WEST ISLIP, NY

ADDR 04626 S 46 ST

OMAHA, NE 68117

RACE H SEX M HGT 508 WGT 200 EYES BRO HAIR BRO COMPLX INS#

DCS# OPD# 0

FBI# PAROLE ADDED INFO

FLAGS MISD. WARRANT

CONFINED-JAIL

PAST RECORD

INPUT AGENCY PROGRAM CREATED

06/22/2009

LAST AGENCY CORRECTIONS

11/03/2015

ALIAS NAMES

DATA#

NAME

DOB

WAR CON



DANIEL A. ESCH

DOUGLAS COUNTY CLERK / COMPTROLLER

SHERI K. LARSEN

CHIEF DEPUTY DOUGLAS COUNTY CLERK

April 6, 2017

James M. Recca
Data # 3140728 Module # 14-22
Douglas County Department of Corrections
710 South 17th Street
Omaha, NE 68102

Re: Tort Claim

To Whom It May Concern:

This letter is to inform you that the Douglas County Clerk's office is in receipt of your tort claim.

Said claim will be placed on the Douglas County Board of Commissioners' meeting agenda; to be held on Tuesday, April 11, 2017; at 9:00 a.m. in the Legislative Chamber of the Omaha-Douglas Civic Center, 1819 Farnam Street, Omaha, NE.

At that time, the Board will be asked to refer this claim to the Douglas County Risk Manager for review and determination. You will be notified in writing once the Board has referred your claim to the Risk Manager.

If you have any questions, please do not hesitate to contact me at (402) 444-6764.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen M. Sechser", is written over a circular stamp that partially overlaps the "Sincerely," text.

Ellen M. Sechser
Administrative Assistant
Douglas County Clerk's Office

Resolution No: 246
ADOPTED: April 11, 2017

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA

Resolved

Motion by Boyle, second by Kraft.

I move this Board refer the following tort claim to the County's Risk Manager for review and determination:

James M. Recca

Adopted: April 11, 2017
Yeas: Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers
Absent: Borgeson

Resolution No: 246
ADOPTED: April 11, 2017

(CERTIFIED COPY)



Daniel A. Esch
Douglas County Clerk

Exhibit # 4



DANIEL A. ESCH
DOUGLAS COUNTY CLERK / COMPTROLLER
SHERI K. LARSEN
CHIEF DEPUTY DOUGLAS COUNTY CLERK

April 11, 201

James M. Recca
Data # 3140728 Module # 14-22
Douglas County Department of Corrections
710 South 17th Street
Omaha, NE 68102

RE: Tort Claim

To Whom It May Concern:

This is to advise you that on Tuesday, April 11, 201 the claim referenced above was presented to the Douglas County Board of Commissioners. A resolution was adopted to refer said claim to the County's Risk Manager for review and determination. A copy of that resolution is enclosed.

The County has six months to review your case. If you have additional questions in the future you may contact Darrel Neely at 402-444-7940.

Sincerely,

A handwritten signature in black ink, appearing to read "E Sechser", is written over a horizontal line.

Ellen M. Sechser
Administrative Assistant
Douglas County Clerk's Office

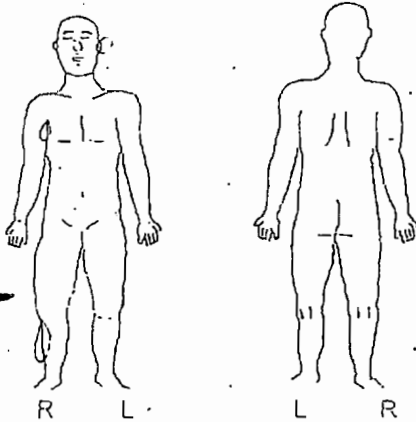
Enclosure



WOUND CARE FLOW SHEET

INMATE NAME: Recca JamesID#: 3140728DOB: 10/2/78

Location of Wound(s)

Area: Back @ calf @ leg
(MARK AREAS ON FIGURES)

- ☐ Dressing Protocol
☐ Physician Order

Type: Dog BiteFrequency: dailyDuration: until healedpack area to @ Shoulder

Date & Time Of Treatment	11/5/15 1030	11/6/15 1330	11/7/15 1400	11/8/15 1030	11/9/15 0915		
Wound Size & Depth	Several abrasions & punctures	Scattered abrasions (Bsh. depth 0.5cm)	Scattered abrasions (shoulder depth)	Several Abrasions	Several Abrasions		
Wound Bed Appearance	Capilla is Subcut	Red (Bsh) scattered small	Capilla Bsh scattered small	Capilla 2 calf	Capilla Packed c. 1" x 1" x 1" calf covered		
Wound Drainage Color and Amount	Scant bleeding	Scant sangu.	Scant sangu.	0	0		
Additional Comments (Edges/etc.)	Wound Packed c. 3" x 1" x 1" wcc	Packed c. 3" x 1" x 1" wcc	Packed c. 3" x 1" x 1" wcc	Packed c. 3" x 1" x 1" wcc	Packed c. 3" x 1" x 1" wcc		
Initials	TC	JK	TK	TC	TC		

12/05 (formerly CCS-016)

revised 1/1/00

Exhibit #6

Douglas County Department of Corrections,
NE
Douglas County (NEDO)
710 South 17th Street
Omaha, NE 68102

Provider Progress Notes



Patient Name	Patient Number	Booking Number	Birth Date	Date Of Service
JAMES M RECCA	3140728	201609021019-3140728	10/2/1978	11/5/2015

Medication	Dose	Schedule	Start Date	End Date
clindamycin 150 mg capsule	2.00 capsule	Douglas Co: TID AM PM & HS	11/3/2015 8:00:00 PM	11/10/2015 7:59:00 PM

Patient Problems:

Observed Date	Category	Type	Problem	Confirmed By
03-18-2015	Acute	OTHER	Patient Reports No Problems	

Patient Allergies:

Observed Date	Type	Allergy
03-18-2015	Allergy Items	No Known Allergies

☒ Vital Signs Taken

Patient Vitals:

Observed Date	Blood Pressure	Pulse	Resp. Rate	Temp	Pulse Ox	Weight	BMI
11-05-2015 09:55 AM CST	138/82	82	18	96.10	97	236	35.9

Notes / History:

Added 11/05/2015 12:22 PM CST by jesch Provider

Patient on clindamycin from the ER after sustaining multiple dog bites from the canine unit. He has a wound in his right shoulder that needs to be repacked. He has sutures in his right ear and loose suturing to approximate the wounds in his right arm and his leg. They appear to be dissovable and do not need to be taken out. Will schedule daily wound care and dressing changes. Patient to finish antibiotic as prescribed.

Exhibit #7

Douglas County Department of Corrections,
NE
Douglas County (NEDO)
710 South 17th Street
Omaha, NE 68102

Progress Notes



Patient Name	Patient Number	Booking Number	Birth Date	Date Of Service
JAMES M RECCA	3140728	201609021019-3140728	10/2/1978	11/6/2015

Medication	Dose	Schedule	Start Date	End Date
clindamycin 150 mg capsule	2.00 capsule	Douglas Co: TID AM PM & HS	11/3/2015 8:00:00 PM	11/10/2015 7:59:00 PM

Patient Problems:

Observed Date	Category	Type	Problem	Confirmed By
03-18-2015	Acute	OTHER	Patient Reports No Problems	

Patient Allergies:

Observed Date	Type	Allergy
03-18-2015	Allergy Items	No Known Allergies

Vital Signs Taken

Patient Vitals:

Observed Date	Blood Pressure	Pulse	Resp. Rate	Temp	Pulse Ox	Weight	BMI

Notes / History:

Added 11/06/2015 07:41 AM CST by svansant RN

Late entry for 2100 11/4/15

Inmate called to the clinic after med pass staff brought to this clinic nurses attention that the inmate has a dog bite wound which was dressed at the hospital prior to booking. The report is that his dressing are soaked and need to be replaced. This clinic nurse called and asked that inmate be brought to clinic for assessment. Inmate has wounds on his upper right arm which is sutured, packed, and covered. He also has dry intact sutures on his left ear. He reports that he has large wound from being bitten by a dog on his lower calf. The only dressing that needed changed was on his arm. The arm dressing was replaced with dry dressing 4x4 and covered with coban. Inmate was placed on MD sick call for further wound care orders. Inmate also reports to have mod pain.

Exhibit #8



ACH BERGAN MERCY MEDICAL
CENTER
7500 Mercy Rd
OMAHA NE 68124-2319

RECCA, JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm: 11/3/2015, D/C: 11/3/2015

Admission Information - Patient Record Only

Arrival Date/Time:	11/03/2015 3:32 AM	Admit Date/Time:	11/03/2015 3:35 AM	IP Adm. Date/Time:	None
Admission Type:	Emergency	Point of Origin:	Self Referral	Admit Category:	None
Means of Arrival:	Old #61	Primary Service:	Emergency Medicine	Secondary Service:	N/A
Transfer Source:	None	Service Area:	Alegent Creighton Health	Unit:	Bmmc 1ed
Admit Provider:	None	Attending Provider:	Bradley H Hess, MD	Referring Provider:	None

Patient Demographics

Address	Phone
4929 S 46th St OMAHA NE 68117-2013	402-906-8458 (Home) 402-906-8458 (Mobile)

Account Information

Hospital Account	Primary Payer	Affiliated Recurring Accounts	Combined from HAR
231361797 - RECCA, JAMES	None	None	None

Primary Coverage

Payer	Plan	Sponsor Code	Group Number	Group Name
No coverage found				

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Recca, James	231361797	Emergency	Billed	None

Guarantor Account (for Hospital Account #231361797)

Name	Relation to Pt	Service Area	Active?	Acct Type
Recca, James	Self	ACH	Yes	Personal/Family
Address	Phone			
4929 S 46th St OMAHA, NE 68117-2013	402-906-8458(H)			

Coverage Information (for Hospital Account #231361797)

Not on file

Discharge Information - Patient Record Only

Discharge Date/Time	Discharge Disposition	Discharge Destination	Discharge Provider	Unit
11/03/2015 5:42 AM	Home Or Self Care	Home	None	Bmmc 1ed

Events

Date/Time	Event	Pt Class	Unit	Room/Bed	Service
11/03/15 0332	ED Arrival		BMMC 1ED		
11/03/15 0335	ED Roomed	Emergency	BMMC 1ED	1ED03/03-01	Emergency Medicine
11/03/15 0538	ED Transfer	Emergency	BMMC 1ED	1EDOTF/OTF	Emergency Medicine
11/03/15 0542	Discharge	Emergency	BMMC 1ED	1EDOTF/OTF	Emergency Medicine

Final Diagnoses (ICD-10-CM)

Principal	Code	Name	POA	CC	HAC	Affects DRG
[P]	S81.8*1A	Laceration without foreign body, right lower leg, initial encounter				
	S41.0*1A	Laceration without foreign body of right shoulder, initial encounter				
	S01.312A	Laceration without foreign body of left ear, initial encounter				
	F17.210	Nicotine dependence, cigarettes, uncomplicated				
	Z23	Encounter for immunization				

Allergies as of 11/3/2015

No Known Allergies

Reviewed On: 11/3/2015 By: Alex Kucera, RN

Immunizations

Name	Date
Tdap	11/03/15

Patient History

Printed by 1302 at 4/10/17 2:15 PM

EXHIBIT #9



ACH BERGAN MERCY MEDICAL
CENTER
7500 Mercy Rd
OMAHA NE 68124-2319

RECCA, JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm: 11/3/2015, D/C: 11/3/2015

Medication Discrepancies Requiring Physician Review and Action (continued)

Last Dose	Informant	Start Date	End Date	Provider	LT
Take 1 tablet (800 mg total) by mouth every 8 (eight) hours as needed for pain.					
Associated Diagnoses: --					

ED Records

ED Arrival Information

Expected	Arrival	Acuity	Means of Arrival	Escorted By	Service	Admission Type	Arrival Complaint
11/3/2015 03:25	11/3/2015 03:32	4-Less Urgent	OFD #81	EMT	Emergency Medicine	Emergency	-

ED Events

Date/Time	Event	User	Comments
11/03/15 0321	Bed was Held	BARTON, DANA A	
11/03/15 0332	Patient arrived in ED	MEIER, JESSICA	
11/03/15 0332	Patient expected in ED	MEIER, JESSICA	
11/03/15 0332		MEIER, JESSICA	
11/03/15 0332		MEIER, JESSICA	
11/03/15 0335	Patient roomed in ED	KUCERA, ALEX	To room 1ED03
11/03/15 0335	Trigger for Triage Start	KUCERA, ALEX	
11/03/15 0335	Triage Started	KUCERA, ALEX	
11/03/15 0336		KUCERA, ALEX	
11/03/15 0336		KUCERA, ALEX	
11/03/15 0339	Initial Provider Exam	HESS, BRADLEY H	
11/03/15 0339	Assign Attending	HESS, BRADLEY H	Bradley H Hess, M assigned as Attending
11/03/15 0339	Assign Physician	HESS, BRADLEY H	
11/03/15 0342		KUCERA, ALEX	
11/03/15 0342	Triage Completed	KUCERA, ALEX	
11/03/15 0345	Assign Nurse	MOSER, KACIE	Kristin L Fisicaro, R assigned as Registered Nurse
11/03/15 0508	Discharge Disposition Selected	HESS, BRADLEY H	
11/03/15 0508	Disposition Selected	HESS, BRADLEY H	
11/03/15 0509		HESS, BRADLEY H	
11/03/15 0512	AVS Printed	HESS, BRADLEY H	
11/03/15 0512	AVS Printed	HESS, BRADLEY H	
11/03/15 0512		HESS, BRADLEY H	
11/03/15 0512		HESS, BRADLEY H	
11/03/15 0528	Registration Completed	MEIER, JESSICA	
11/03/15 0536	Patient transferred	FISICARO, KRISTIN L	From room 1ED03 to room 1EDOTF
11/03/15 0536	Patient transferred to QTF	FISICARO, KRISTIN L	
11/03/15 0542	Patient discharged	FISICARO, KRISTIN L	
11/03/15 0542	Patient departed from ED	FISICARO, KRISTIN L	
11/03/15 0542		FISICARO, KRISTIN L	
11/03/15 0542		FISICARO, KRISTIN L	
11/03/15 0542	Charting Complete	FISICARO, KRISTIN L	
11/03/15 0640	ED Provider Note Signed	HESS, BRADLEY H	ED Prov Note filed by Bradley H Hess, MD
11/03/15 0640	Charting Complete	HESS, BRADLEY H	

ED Treatment Team

Provider	Role	From	To	Phone	Pager
Bradley H Hess, MD	Attending Provider	11/03/15 0339	11/03/15 0642	402-398-6161	
Kristin L Fisicaro, RN	Registered Nurse	11/03/15 0345	--		

ED Disposition

Discharge

Diagnosis Edit Information

Diagnosis	User	Time	Action
Dog bite of multiple sites	Bradley H Hess, MD	Tue Nov 3, 2015 5:08 AM	Add

Chief Complaint

Animal Bite pt was bite by police dog after chase this evening

ED Notes

ED Notes by Dana A Barton at 11/3/2015 3:35 AM

Version 1 of 1

Printed by 1302 at 4/10/17 2:15 PM

EXHIBIT #10



ACH BERGAN MERCY MEDICAL
CENTER
7500 Mercy Rd
OMAHA NE 68124-2319

RECCA, JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm: 11/3/2015, D/C: 11/3/2015

ED Notes (continued)

ED Notes by Dana A Barton at 11/3/2015 3:35 AM (continued)

Version 1 of 1

Author: Dana A Barton
Filed: 11/3/2015 3:35 AM
Editor: Dana A Barton (Unit Coordinator)

Service: (none)
Note Time: 11/3/2015 3:35 AM

Author Type: Unit Coordinator
Status: Signed

Bed: 03-01

Expected date: 11/3/15

Expected time: 3:25 AM

Means of arrival: OFD #61

Comments:

37 M was bitten by the police dog during a chase. Puncture wounds to ear and L leg.

Code 2

Electronically Signed by Dana A Barton on 11/3/2015 3:35 AM

ED Notes by Kristin L Fisicaro, RN at 11/3/2015 5:33 AM

Version 2 of 2

Author: Kristin L Fisicaro, RN
Filed: 11/3/2015 5:42 AM
Editor: Kristin L Fisicaro, RN (Registered Nurse)
Related Notes

Service: Emergency Medicine
Note Time: 11/3/2015 5:33 AM

Author Type: Registered Nurse
Status: Addendum

Original Note by Kristin L Fisicaro, RN (Registered Nurse) filed at 11/3/2015 5:34 AM

Patient discharged, handcuffed and ambulatory with OPD officer.

Kristin L Fisicaro, RN
11/03/15 0534

Kristin L Fisicaro, RN
11/03/15 0542

Electronically Signed by Kristin L Fisicaro, RN on 11/3/2015 5:42 AM

ED Notes by Kristin L Fisicaro, RN at 11/3/2015 5:33 AM

Version 1 of 2

Author: Kristin L Fisicaro, RN
Filed: 11/3/2015 5:34 AM
Editor: Kristin L Fisicaro, RN (Registered Nurse)
Related Notes

Service: Emergency Medicine
Note Time: 11/3/2015 5:33 AM

Author Type: Registered Nurse
Status: Signed

Addendum by Kristin L Fisicaro, RN (Registered Nurse) filed at 11/3/2015 5:42 AM

Patient discharged and ambulatory with OPD officer.

Kristin L Fisicaro, RN
11/03/15 0534

Electronically Signed by Kristin L Fisicaro, RN on 11/3/2015 5:34 AM

ED Provider Notes by Bradley H Hess, MD at 11/3/2015 6:25 AM

Version 1 of 1

Author: Bradley H Hess, MD
Filed: 11/3/2015 6:40 AM
Editor: Bradley H Hess, MD (Physician)

Service: Emergency Medicine
Note Time: 11/3/2015 6:25 AM

Author Type: Physician
Status: Signed

EMERGENCY DEPARTMENT ENCOUNTER

Pt Name: James Recca

MRN: 800201503

Birthdate 10/2/1978

Date of evaluation: 11/3/2015

Provider: Bradley Hess, MD

EXHIBIT # 11



ACH BERGAN MERCY MEDICAL
CENTER
7500 Mercy Rd
OMAHA NE 68124-2319

RECCA, JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm: 11/3/2015, D/C: 11/3/2015

ED Notes (continued)

ED Provider Notes by Bradley H Hess, MD at 11/3/2015 6:25 AM (continued)

Version 1 of 1

CHIEF COMPLAINT

Chief Complaint

Patient presents with

- Animal Bite

pt was bite by police dog after chase this evening

HPI

James Recca is a 37 y.o. male brought to ED by squad for multiple dog bites. Police report the patient was being pulled over on suspicion of auto theft and he ran from the scene on foot. Police dog was release and attacked him. He was bitten on the right calf, right shoulder, and left ear.

PAST MEDICAL HISTORY

History reviewed. No pertinent past medical history.

Nursing notes were reviewed, agree with nursing notes.

SURGICAL HISTORY

History reviewed. No pertinent past surgical history.

SOCIAL HISTORY

History

Social History

- | | |
|-----------------------|--------|
| • Marital Status: | Single |
| Spouse Name: | N/A |
| Number of Children: | N/A |
| • Years of Education: | N/A |

Social History Main Topics

- | | |
|----------------------|--------------------------|
| • Smoking status: | Current Every Day Smoker |
| Types: | Cigarettes |
| • Smokeless tobacco: | None |
| • Alcohol Use: | Yes |
| • Drug Use: | None |
| • Sexual Activity: | None |

Other Topics

- None

Concern

Social History Narrative

- None

FAMILY HISTORY

History reviewed. No pertinent family history.

EXHIBIT # 12



ACH BERGAN MERCY MEDICAL
CENTER
7500 Mercy Rd
OMAHA NE 68124-2319

RECCA, JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm: 11/3/2015, D/C: 11/3/2015

ED Notes (continued)

ED Provider Notes by Bradley H Hess, MD at 11/3/2015 6:25 AM (continued)

Version 1 of 1

Pain Score	--	
Pain Loc	--	
Pain Edu?	--	
Excl. in GC?	--	

Constitutional: Well developed, well nourished, no acute distress, non-toxic appearance, mild objective discomfort.

Head: Normocephalic, atraumatic

Eyes: Conjunctiva clear. No erythema or drainage.

ENT: Nose normal, mucous membranes moist. 2.5cm through-and-through bite wound of the central right pinna involving cartilage.

Neck: No tenderness

Respiratory: No respiratory distress, normal breath sounds, no wheezes, no rales

Cardiovascular: Normal rate, normal rhythm, no murmurs, no gallops, no rubs

Abdomen: Soft, nontender, nondistended, no rebound, no guarding, no masses

Musculoskeletal: Soft tissue tenderness in area of bite wounds, no swelling, no deformities, distal CSM intact.

Integument: 4.5x2.5cm irregular gaping wound on right anterior shoulder/upper arm deep to muscle. 3 separate bite wounds on right lateral calf (2.5x1cm, 1.5x1cm, 1.5x1cm) and a dime-sized area of skin maceration. These are all deep to muscle. No tendon, nerve, or blood vessel injury appreciated.

Neurologic: Awake, alert, and appropriate. No focal weakness. No focal numbness. Speech clear. Gait normal.

Psychological: Cooperative, mildly intoxicated affect

OXYGEN SATURATION INTERPRETATION:

The patient's saturation was 100% on room air. Impression: Normal

PROCEDURES:

LACERATION PROCEDURE NOTE:

Wounds were prepped in sterile fashion. The wounds were thoroughly irrigated with sterile saline under pressure by the nurse and tech. Wounds were explored and showed no obvious nerve, vessel, or tendon injury. No obvious foreign bodies present. Wounds were approximated loosely without difficulty. Patient tolerated the procedure well. No complications. Tetanus will be updated.

Type of repair: Interrupted sutures

Type of sutures: 5-0 Vicryl

Laceration length and number of sutures:

Anterior left ear: 2.5cm 7 sutures (approximated close for aesthetics)

Posterior left ear: 2.5cm 3 sutures (loose)

Right shoulder: 4.5cm 5 sutures (loose) This wound was also packed with iodiform gauze and tail was left emerging from central portion of wound.

Right calf: 2.5cm 2 sutures (loose)

1.5cm 1 suture (loose)

1.5cm 1 suture (loose)

EXHIBIT #13



ACH BERGAN MERCY MEDICAL
CENTER
7500 Mercy Rd
OMAHA NE 68124-2319

RECCA, JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm: 11/3/2015, D/C: 11/3/2015

ED Notes (continued)

ED Provider Notes by Bradley H Hess, MD at 11/3/2015 5:25 AM (continued)

Version 1 of 1

LAB RESULTS:

ED Lab Results

None

RADIOLOGY:

No results found.

ED COURSE & MEDICAL DECISION MAKING

Wounds were repaired. The anterior portion of ear laceration was approximated closely to maintain ear aesthetics and shape. Posterior portion of ear laceration was approximated loosely. The right shoulder wound was quite deep and packed with iodiform gauze and then loosely approximated. Three of the right calf wounds were loosely approximated.

Tetanus updated. IM Clindamycin given. Wound care instructions given to police.

CONSULTS:

None

Diagnosis:

1. Dog bite of multiple sites

Disposition:

Jail

PATIENT REFERRED TO:

No Pcp

Call 1-800-Alegent to find a primary care doctor or visit www.chihealth.com

In 3 days

Right shoulder packing needs to be removed and wounds need to be evaluated by a medical provider in 3 days. All sutures need to be removed in 10 days if they have not fallen out.

DISCHARGE MEDICATIONS:

Discharge Medication List as of 11/3/2015 5:12 AM

EXHIBIT #14



ACH BERGAN MERCY MEDICAL
CENTER
7500 Mercy Rd
OMAHA NE 68124-2319

RECCA, JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm: 11/3/2015, D/C: 11/3/2015

Flowsheets (all recorded)

Custom Formula Data - Tue November 03, 2015

0335

OTHER

Fluid Resuscitation (in mL) 1008 -AK

Weight Change Since Birth 0 grams -AK

% Weight Change Since Birth 0 -AK

Relevant Labs and Vitals

Temp (in Celsius) 36.7 -AK

Disposition - Tue November 03, 2015

0508

Patient's ED Disposition

ED Disposition Discharge -BH

Condition on Discharge Stable -BH

Acuity/Destination - Tue November 03, 2015

	0337	0342
Acuity/Destination		
Patient Acuity	4 -AK	4 -AK
Triage Complete		Triage complete -AK

Wound Care - Tue November 03, 2015

0419

Wound 11/03/15

Wound Properties Date First Assessed: 11/03/15 -KF Time First Assessed: 0400 -KF Wound Type: Other (Comment) -KF, Alleged dog bite wounds

Site Assessment Bleeding -KF

Wound Length Multiple areas with multiple different lengths/widths

Right arm 4.5x2.5, Right leg 4 sites measurable 2.5x1, 1x1.5, 1.5x0.5, 1.5x1, Left ear 2.5 length in front and 2.5 length in back -KF

Closure Approximated; Sutures

Left ear closed with sutures #12, Right arm #5 and right leg approximated in 3 wounds 2, 1, 1 for a total of 4 in the leg -KF

Treatments Cleansed; Irrigation -KF

Dressing Packing; Coban; Dry dressing

Antibiotic ointment -KF

Dressing Changed New -KF

Dressing Status Dry; Intact; Clean -KF

Vital Signs - Tue November 03, 2015

	0335	0345	0534
Vital Signs			
Temp	36.7 °C (98.1 °F) -AK		
Temp src	Oral -AK		
Pulse	99 -AK	118 -KF	103 -KF
Pulse Rate		118 -KF	
Resp	24 -AK		
BP		140/64 mmHg -AK	115/107 mmHg -KF
Oxygen Therapy			
Oxygen Delivery Device	None (Room air) -AK		
SpO2	99 % -AK	94 % -KF	100 % -KF
Pain Assessment			
Pain Assessment	0-10 -AK		
Pain Score	10 -AK		

EXHIBIT #15



ACH BERGAN MERCY MEDICAL
CENTER
7500 Mercy Rd
OMAHA NE 68124-2319

RECCA, JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm: 11/3/2015, D/C: 11/3/2015

Flowsheets (continued)

Flowsheets (all recorded) (continued)

Height and Weight
Weight 95.255 kg (210 lb) -AK

ABCD Assessment - Tue November 03, 2015

	0335	0345	0534
Airway			
Airway (WDL)	WDL -AK		
Breathing			
Breathing (WDL)	WDL -AK		
SpO2	99 % -AK	94 % -KF	100 % -KF
Circulation			
Circulation (WDL)	WDL -AK		
Disability			
Disability (WDL)	WDL -AK		

Skin Color/Condition - Tue November 03, 2015

	0415
Skin Color/Condition	
Skin Color/Condition (WDL)	X Multiple puncture sites from alleged dog bite -KF

Quick Triage Complete - Tue November 03, 2015

	0337	0342
Quick Triage Complete		
Patient Acuity	4 -AK	4 -AK
Quick Triage Complete	Quick Triage Complete - AK	

Departure Condition - Tue November 03, 2015

	0335	0345	0534
Departure Condition			
Mobility at Departure			Ambulatory -KF
Patient Teaching			Discharge instructions reviewed; Follow-up care reviewed; Patient verbalized understanding -KF
Education Received by			Patient; Other (Comment)
Departure Mode			OPD officer -KF
Vital Signs			In police custody -KF
Temp	36.7 °C (98.1 °F) -AK		
Temp site	Oral -AK		
Pulse	99 -AK	118 -KF	103 -KF
Pulse Rate		118 -KF	
Resp	24 -AK		
BP		140/64 mmHg -AK	115/107 mmHg -KF
Oxygen Therapy			
Oxygen Delivery Device	None (Room air) -AK		
SpO2	99 % -AK	94 % -KF	100 % -KF
Pain Assessment			
Pain Assessment	0-10 -AK		
Pain Score	10 -AK		

Initial Provider Exam - Tue November 03, 2015

	0338
Initial Provider Exam	
Initial Provider Exam	0339 -BH

International Travel Screen - Tue November 03, 2015

	0335
International Travel	
International Travel in	No -AK

EXHIBIT # 16



ACH BERGAN MERCY MEDICAL
CENTER
7500 Mercy Rd
OMAHA NE 68124-2319

RECCA, JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm: 11/3/2015, D/C: 11/3/2015

Flowsheets (continued)

Flowsheets (all recorded) (continued)

the Last 21 days
Been in Contact With No -AK
Someone Known or
Suspected to have
Ebola
Fever ≥ 101.0 °F No -AK
38.0°C (100.4°F)
Currently
Other Screening None -AK
Symptoms

Vital Signs - Tue November 03, 2015

	0335	0345	0534
Vital Signs			
Temp	36.7 °C (98.1 °F) -AK		
Temp site	Oral -AK		
Pulse	99 -AK	118 -KF	103 -KF
Pulse Rate		118 -KF	
Resp	24 -AK		
BP		140/64 mmHg -AK	115/107 mmHg -KF
Oxygen Therapy			
Oxygen Delivery Device	None (Room air) -AK		
SpO2	99 % -AK	94 % -KF	100 % -KF
Pain Assessment			
Pain Assessment	0-10 -AK		
Pain Score	10 -AK		
Height and Weight			
Weight	95.255 kg (210 lb) -AK		

User Key			(r) = User Recd, (t) = User Taken, (c) = User Cosigned
Initials	Name	Effective Dates	
BH	Bradley H Hess, MD	04/09/13 -	
KF	Kristin L Fialcaro, RN	03/22/13 -	
AK	Alex Kucera, RN	03/22/13 -	

Flowsheet Notes

No notes of this type exist for this encounter.

Release Authorization

Type:	Signed Form	Expiration Date:	
Effective Date:		Received Date:	4/10/2017 2:14 PM
Received By:	Denise Coleman		

HIM ROI Authorization - DoS: bmc (below)

EXHIBIT # 17

RECCA,JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm:11/3/2015, D/C:11/3/2015

Page 2 of 5

[illegible]

EXHIBIT # 18



ACH BERGAN MERCY MEDICAL
CENTER
7500 Mercy Rd
OMAHA NE 68124-2319

RECCA, JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm: 11/3/2015, D/C: 11/3/2015

Fax From StreamCenter

Page 3 of 5

11/3/2015 4:05 AM FROM: 402443346 TO: 41 (402) 398-6987 PAGE: 003 OF 005

FINAL		Patient Care Report		James Recca	
		Omaha Fire Department		Date of Service: 11/03/2015 Run Number: 0050811 Incident Number: 0050811	
NPI: 6043		NPI: 1063788812		NEXT OF KIN	
Name:		Phone:		Cell Phone:	
DOB:		DOB:		DOB:	
Sex:		Sex:		Sex:	
INSURANCE					
No Insurance Information entered					
PATIENT COMPLAINTS					
Chief Complaint:		Pain (Primary)		Laceration (Secondary)	
Hemorrhage		5 Minutes		5 Minutes	
Anatomic Location:					
General/Global:					
Onset/Duration:					
Global/General:					
Primary Symptoms:					
Hemorrhage (1); or Bleeding (2)					
Other Associated Symptoms:					
Pain, unspecified					
Last Onset:					
Medical History/Currents:					
HISTORY					
Past Medical History:					
Other: Not Listed					
Has Now:					
ALLERGIES:					
No Known Drug Allergy					
No Known Environmental Food Allergies					
Medications:					
None Reported					
ETOH/Drug use: Unable to Complete					
ASSESSMENT					
Chief Complaint:					
Subjective		Objective		Assessment and Comments	
Pain		Breath		Normal Respirations	
Pulse		Blood Flow		None Fluct	
Respir		Mental Status		Normal Baseline for Patient	
Circulation					
External/Exam					
Neurologic					
IMPRESSIONS					
Primary Impression:		Pain (Acute)			
Secondary Impression:		Hemorrhage / Bleeding (Unspecified)			
CARDIAC ARREST					
TRAUMA					
Scene of Injury:		Contact with dog			
Mechanism of Injury:		Penetrating			
Blunt					

ZOLL Resuscitator - 10/1/15

Page 3 of 4

EXHIBIT #19



ACH BERGAN MERCY MEDICAL
CENTER
7500 Mercy Rd
OMAHA NE 68124-2319

RECCA, JAMES
MRN: 800201503
DOB: 10/2/1978, Sex: M
Adm: 11/3/2015, D/C: 11/3/2015

Fax From StreamCenter

Page 4 of 5

11/3/2015 8:05 AM FROM: 1021443846 TO: #1 (402) 398-6982 PAGE: 004 OF 005

FINAL Patient Care Report James Recca									
Omaha Fire Department									
NPI: 5043		NPI: 1083780812							
VITAL SIGNS									
Date	ETA	AE	Calcs	Mucous Mem	SpO2	ECG	ECG2	Glucose	ECG
11/3/2015 3:11	NO	7	<None>	<None>	18 Normal	<None>			EA + V8 + M8 = 15
Normal for Patient									

Skin Temp=Normal Skin Color=Normal Skin Moisture=Normal
Pupil Reacts: Left=Responsive, Right=Responsive Pupil Reaction: Left=Normal, Right=Normal
Level of Consciousness: Alert Pain Scale=5.

Triage by: BURNS, JILLIAN

TRAUMA SCORES					
no trauma scores entered					
PRIOR AID					
no prior aid entered					
TREATMENT SUMMARY					
Date	ETA	Treatment	Who performed	Authorized by	Remarks
03:14	No	Bleeding Control	BURNS, JILLIAN		
Certification Level: EMT-Paramedic					
Completion=None			Location=right shoulder, right outer thigh		Number of Attempts=1
Response=Improved			Successful=Yes		

NARRATIVE
MSI was dispatched to a medical nature unknown, authority OPD. Upon arrival to the parking lot, the 37yo male was A&Ox3 sitting on a retaining wall. The male patient was handcuffed. He had a possible laceration and bleeding on his left ear, four 1" or less lacerations to outside right thigh from dog teeth, one 2" laceration in the right shoulder near the armpit, and left knee pain. Patient was soaking wet from being in the creek. His pants and outer t-shirt were cut off to expose his wounds. Patient was bandaged with ASA's and coban on his right shoulder and right thigh. All other bleeding was controlled. Patient was assisted to the squad and set on the cot. Patient's vitals were unable to be obtained due to the handcuffs. Patient refused to answer questions about his residence or whether he had any drugs or alcohol in his system. He was uncooperative with most of the questions. Patient was transported code 2 to Bergan with OPD in the back of the squad. No changes en route. Patient care was transferred to ER nurse.

MISCELLANEOUS
MSI a patient or expected to return for outpatient services
Procedures used
Gloves
Gloves
BURNS, JILLIAN
OUTERREX, MINDY

HIPAA		
no HIPAA signature entered		
SIGNATURES		
Date	Signature	Why signature retained
11/03/2015 03:37	4. Receiving Facility Signature-Accept Treatment and Transport (Only Use)	Physical Impairment of Extremities

ZOL - Resuscitation-PCR

Page 2 of 4

EXHIBIT #20

April 29, 2018

Risk Management Division

State Claims Board 1819 Farnam St

P.O. Box 94974 Omaha, NE

Lincoln, NE 68509-4974

James M. Recca

P.O. Box 22500

Lincoln, NE 68542

Dear Risk Manager,

Ref: Data # 3140728 Module # 14-22

Resolution No: 246 April 11, 2017

Tort Claim was sent to you on April 11, 2017, by the Board of County Commissioners Douglas County, NE

I have yet to receive a review or determination from you on this matter.

Please let me know what status my claim is in.

Sincerely,

J/Recca

James Recca

EXHIBIT # 21



BOARD OF COMMISSIONERS
MARY ANN BORGESON, CHAIR

MICHAEL BOYLE

JAMES CAVANAUGH

CLARE DUDA

MARC KRAFT

P.J. MORGAN

CHRISTOPHER RODGERS

Patrick T. Bloomingdate, Chief Administrative Officer

December 8, 2017

Mr. Recca:

I was doing some filing and came across an envelope addressed to you but no copy of the letter that should have been mailed to you in October. Since I cannot confirm the letter was sent to you I have enclosed a copy of the letter that was intended to be sent just in case you did not receive the earlier letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Darrel Neely".

Darrel Neely

EXHIBIT #22



**BOARD OF COMMISSIONERS
MARY ANN BORGESON, CHAIR**

MICHAEL BOYLE

JAMES CAVANAUGH

CLARE DUDA

MARC KRAFT

P.J. MORGAN

CHRISTOPHER RODGERS

Patrick T. Bloomingdate, Chief Administrative Officer

COPY

October 30, 2017

Mr. James M. Recca
Nebraska State Penitentiary
P.O. Box 22500
Lincoln, NE. 68542

Mr. Recca:

Following up on your October 25, 2017 voice mail:

The incident you described did not involve the Douglas County Sheriff's office or the Douglas County K-9 units. And as a result, Douglas County is not liable for any damages / injuries that may have occurred.

Sincerely,

Darrel Neely
Douglas County

EXHIBIT #23

JAMES KECCA
Inmate Name
Inmate Number
Box 22600
Lincoln, NE 68542-0500
Notice: This correspondence was mailed
from the Nebraska State Penitentiary.
Its contents are uncensored.

46-03-13

*OFFICE OF THE CLERK
Roman Hruska U.S. Courthouse
111 South 18th Plaza, #1152,
Omaha, Ne. 68102

RECEIVED

NOV 29 2018

CLERK
U.S. DISTRICT COURT

- LEGAL - PRIVILEGED CORRESPONDENCE -



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